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New York

President:	Mr. Owada	(Japan)
Members:	Bahrain	Mr. Buallay
	Brazil	Mr. Amorim
	China	Mr. Shen Guofang
	Costa Rica	Mr. Sáenz-Biolley
	France	Mr. Teixeira da Silva
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Touray
	Kenya	Mr. Mahugu
	Portugal	Ms. Gomes
	Russian Federation	Mr. Karev
	Slovenia	Mr. Türk
	Sweden	Mr. Dahlgren
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Ms. Soderberg

Agenda

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States

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The meeting was called to order at 12.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1998/353, which contains the text of a draft resolution submitted by Costa Rica, France, the Gambia, Kenya, Portugal, Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to document S/1997/812, which contains the text of a letter dated 15 October 1997 from the Secretary-General addressed to the President of the Security Council, transmitting the letter dated 1 August 1997 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General.

Sir John Weston (United Kingdom): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia — and the associated country Cyprus, as well as the European Free Trade Association (EFTA) country member of the European Economic Area, Norway, align themselves with this statement.

The International Tribunal for Rwanda was established by the Security Council in resolution 955 (1994) with the aim of putting an end to the impunity of persons responsible for genocide and other serious violations of humanitarian law committed in Rwanda in 1994. The establishment of the Tribunal reflected the will of the international community that, by the prosecution of the perpetrators of these grave crimes, their repetition should be prevented and that justice should be seen to prevail.

The European Union has cooperated closely with the Tribunal through the arrest and transfer of suspects to the Tribunal, through voluntary contributions to the Trust Fund in surplus of assessed contributions and through the provision of staff to the Tribunal. The European Union reiterates its strong support for the Rwanda Tribunal as it discharges its difficult and important mandate, which is essential for national reconciliation and the prevention of future conflicts.

In paragraph 7 of resolution 955 (1994), the Council agreed that it would consider increasing the number of judges and Trial Chambers of the Tribunal if it became necessary. In this context, the European Union emphasizes the importance of respecting the human rights of the individual and the need to try those accused of crimes within the jurisdiction of the Tribunal without undue delay. Justice delayed is justice denied. We have therefore noted with great concern the current situation with regard to the number of accused persons in pre-trial detention in the Tribunal's prison quarters in Arusha. Of the 25 accused persons currently detained, 21 are in pre-trial detention and five have been detained awaiting their trial for almost three years. We also note that it is possible that other accused persons, and that still others against whom charges have not yet been filed, may in the future join those currently detained in Arusha. In these circumstances, the European Union believes that it is now important to create a third Trial Chamber for the International Tribunal for Rwanda, consisting of three judges, in order that the administration of justice by the Tribunal can be accelerated and so that those in custody can be brought swiftly to trial.

At the same time, the European Union reiterates its position that, in order to administer justice promptly and fairly, the Tribunal must be able to function efficiently. We are pleased to recall that the Office of Internal Oversight Services has recently reported significant improvements in the functioning of the Tribunal. We do, however, note that a number of problems remain, not least in the areas of financial and administrative control, recruitment of personnel and the establishment of an effective witness-protection programme. The European Union stresses the importance of a continued improvement in practical arrangements in these areas in order that the expanded Tribunal can function effectively.

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Dahlgren (Sweden): Sweden fully agrees with the statement just made by the representative of the United Kingdom on behalf of the European Union.

It is now four years since the genocide in Rwanda, four years since that cruel wave of killings of up to 1 million people. In his recent report on Africa, the Secretary-General highlighted the failure of the international community to prevent the genocide. We agree with him when he states,

> "The horrifying suffering of the Rwandan people sends the clear and unmistakable message that the international community must never again tolerate such inaction." [*S/1998/318, para. 32*]

The genocide in Rwanda showed us the imperative of action to see to it that those responsible are brought to justice and to do everything possible to prevent the atrocities of 1994 from recurring.

The establishment of the International Criminal Tribunal for Rwanda was in itself an important step, as evidence of the willingness of the international community to deal with the aftermath of genocide. Rendering justice is crucial to ending impunity and to achieving reconciliation and peace within Rwanda and in the region.

In this context, it is also important that the national judicial system of Rwanda be strengthened in parallel with the continued work of the Tribunal.

Today, three and a half years after its establishment, the Tribunal faces a heavy workload, with 25 suspects currently in the custody of the Tribunal. The cause of justice requires that those indicted be tried without undue delay.

These are the main reasons why Sweden strongly felt the need for an initiative in the Council to strengthen the Tribunal for Rwanda by adding a third Trial Chamber. It gives us great satisfaction that the Council is able to respond positively to the request from the International Tribunal for three additional judges. It is our hope that this decision will be a concrete contribution to peace, justice and stability in Rwanda.

We hope that the establishment of a third Trial Chamber will also be matched by continued efforts by all organs of the Tribunal to improve the efficiency of their work. In particular, it is necessary for the third Chamber to be given the resources it needs to function effectively. Members of the Council look forward to being kept informed of progress in this regard, and we trust that the various organs will comply with the recommendations of the latest report from the Office of Internal Oversight Services.

The International Tribunal for Rwanda needs our full cooperation and support to be able to carry out its mandate. We welcome the cooperation which has already been extended to the Tribunal, and we hope all States will continue to cooperate fully with it.

In conclusion, I would like to place on record the warm appreciation of my delegation to members of the Council, to the Secretariat and to the Tribunal itself for the constructive atmosphere and spirit of cooperation which have guided the negotiations on the draft resolution before us. We feel that today's decision is an important one for the Tribunal and for Rwanda. Its adoption by consensus will be a clear sign of the continued unanimous support of the Council for the International Tribunal for Rwanda.

Ms. Gomes (Portugal): The International Tribunal for Rwanda was established in 1994 to prosecute persons responsible for genocide and other serious violations of international humanitarian and human rights law. The creation of this Tribunal should be seen as part of the response of the international community to the tragedy that occurred in the Great Lakes region. It is no doubt contributing to the restoration of peace and justice in that region.

But the International Tribunal was meant to serve, above all, as a means to enable as much as possible the redressing of the gross violations perpetrated. We cannot forget how important this is for those who survived and suffered the effects of those blatant human rights violations. We also recognize that the trials of the persons responsible for them will serve as a clear signal to the international community: crimes such as those

perpetrated in Rwanda are simply not admissible and will not be tolerated; impunity cannot continue.

The same views and goals lead us today to adopt this draft resolution. Justice has to be done, and has to be done without delay. Those accused must be tried fairly and promptly. We are extremely concerned about the large number of people detained and waiting for trial in Rwanda. The Council is aware of its responsibility to ensure these rights of the accused and does not forget that justice delayed is justice denied.

We know the difficulties faced by the International Tribunal, and we recognize the efforts put forward by all its magistrates and personnel to overcome them. We believe that the Council, in establishing this important judicial mechanism, cannot overlook the need to continue to provide them with the necessary means to carry out their tasks.

The creation of a third Trial Chamber, which is the object of the draft resolution before the Council, is the appropriate response at this moment. We are confident that this measure will result in improving the efficiency of the Tribunal. In taking this measure, we are also contributing to redressing a horrifying tragedy and thus to the restoration of peace, justice and security in the Great Lakes region.

Mr. Türk (Slovenia): The International Tribunal for Rwanda was established by the Security Council to bring to justice persons responsible for the 1994 genocide in Rwanda. The Tribunal cannot undo what was done, but it can have an important preventive effect by ensuring that there is an end to impunity. The work of the Tribunal is crucial for national reconciliation in Rwanda and its liberation from the traumas of the past, and is also important for the stabilization of the whole Great Lakes region. The Tribunal should be provided with appropriate means to fulfil its mandate in its entirety.

In resolution 955 (1994), the Security Council expressly kept open the possibility of increasing the number of judges and Trial Chambers should this become necessary. We believe that the current situation calls for such action by the Council. The waiting periods in pre-trial detention have become too long. There is a danger that international standards of due process may not be fully observed. In this connection, we wish to stress the importance of the International Covenant on Civil and Political Rights, which provides in article 14, paragraph 3 (c) for the right of everyone to be tried without undue delay. This is an international standard of universal importance.

The Tribunal has to be given the opportunity to render justice fairly and swiftly in order to meet international standards, as well as the expectations of Rwandans and of the international community. We should keep in mind that we are talking about the gravest of crimes — genocide and crimes against humanity — and that the performance of this Tribunal also effects the ongoing preparations for the establishment of the international criminal court. The International Tribunal for Rwanda cannot afford to fail in its mission, and the same can be said for the International Criminal Tribunal for the Former Yugoslavia.

In the light of what I have just said, Slovenia supports the establishment of the third Trial Chamber for the International Tribunal for Rwanda, consisting of three judges. At the same time, we would like to reiterate our commitment to the principle of independence of the judiciary and our support for all the measures and proposals that could help improve the functioning of the Tribunal so that it can carry out its work in the most effective and efficient way possible.

The draft resolution submitted for action by the Security Council today contains all the elements of the necessary assistance to the Tribunal. We wish to pay tribute to the delegation of Sweden for its efforts in preparing the draft resolution.

It is also important that the draft resolution stresses the need for international cooperation to strengthen the courts and judicial system in Rwanda, with particular regard to the necessity for those courts to deal with the large number of accused awaiting trial. We see such cooperation as a necessary complement to the strengthening of the International Tribunal.

Slovenia shall vote in favour of the draft resolution before the Council today.

Mr. Mahugu (Kenya): Let me begin by expressing our gratitude to the delegation of Sweden for spearheading the early consideration of the matter before us and for coordinating work on the draft resolution that contains the important decision we are about to take, namely, the establishment of a third Trial Chamber of the International Tribunal for Rwanda.

Since last year, when nine key suspects were arrested in Operation NAKI by Kenya law enforcement personnel and handed over to the Tribunal, the activities of the Tribunal have continued to increase. Currently there is a total of 23 suspects in custody, out of which six have been detained for nearly three years while awaiting trial. The Tribunal cannot abdicate from meeting its statutory obligations of providing the accused persons with fair and expeditious trials. As the maxim goes, justice delayed is justice denied. Undue delay is therefore unacceptable.

Our timely action today, in response to the request by the Tribunal to expand its capacity to enable it to fulfil its tremendously important mission, demonstrates not only the Security Council's support for the Tribunal but also its determination to help bring about and maintain international peace and security in the subregion. Indeed, this decision to establish an additional Trial Chamber averts a crisis which would inevitably have faced the Tribunal in the not-too-distant future.

The draft resolution calls upon the Tribunal and its organs to consider ways to increase further its efficiency as well as to improve the methods and procedures of its work. This is an important measure, without which the effectiveness of the Tribunal in dispensing justice will be brought into question. In this regard, we note that most of the recommendations contained in the 1997 report of the Office of Internal Oversight Services (OIOS) on the operations of the Tribunal, which had identified various difficulties in its overall management and its organs, have been implemented. The follow-up OIOS report [A/52/784], dated 6 February 1998, acknowledges this progress and notes in the summary, on page 2,

> "Improvements were observed in virtually every area [of the Tribunal] surveyed by the team of investigators and auditors"

and in paragraph 7 that

> "In the past six months, the new officials of the Tribunal have effected major improvements in its operations."

Of course it cannot be denied that some aspects of the environment in which the Tribunal for Rwanda operates, including logistical and infrastructural limitations, as well as the lack of adequate facilities, have contributed to the operational deficiencies experienced since its inception. These considerations may have been in the mind of Judge Laïty Kama, the President of the Tribunal, when on 8 December 1997 he told the General Assembly that the Rwanda Tribunal was like "a cottage industry" [*Official Records of the General Assembly, Fifty-second Session, Plenary Meetings, 66th meeting, p. 3*] when compared to the Tribunal for the former Yugoslavia. Thus, as we commend the staff of the Rwanda Tribunal for their efforts to surmount some of these difficulties, we wish to stress that unless adequate financial and administrative resources are provided, the Tribunal will not be able to overcome these problems.

The primary goal of the two ad hoc tribunals established by the Security Council is to bring peace through justice. To this end, the tribunals are critical not only for the orderly development of jurisprudence in an area of international law that has regained great importance, particularly during this period when the international community is geared towards establishing a permanent international criminal court, but also for the role they play in contributing to national reconciliation and political stabilization, especially in the Great Lakes region. The Security Council must therefore ensure that the Rwanda Tribunal is able to fully discharge its responsibilities without compromising on established standards of criminal justice. It is for this reason that we welcome and support this decision to establish the third Trial Chamber of the Rwanda Tribunal, and are pleased to co-sponsor this draft resolution.

Mr. Sáenz Biolley (Costa Rica) (*interpretation from Spanish*): Costa Rica believes that in countries that have suffered internal conflict there can be no peace without justice and no reconciliation without the truth coming to light, and that a free and democratic society cannot be constructed while criminals who have committed the most horrible atrocities go unpunished. Impunity is a threat to peace, as it provokes victims to seek revenge and reinforces the arrogance of the aggressors.

In this context, the existence of the Tribunal for Rwanda is an indispensable element for reconciliation in the Great Lakes region. That is why my delegation is pleased to co-sponsor and to vote in favour of this draft resolution to increase the number of judges of the International Tribunal for Rwanda.

Costa Rica can only respond favourably to the request of the Tribunal addressed to the Security Council through the President of the Tribunal, Judge Kama, to establish a third Trial Chamber with a view to trying without delay all those who have been detained and charged and who are already in the custody of the

Tribunal. We are convinced that one of the basic requirements for the proper administration of justice is that it be swift. In this regard, the decision that the Security Council will take today is, to put it simply, a way of ensuring that the fundamental rights of the accused are fully respected.

On the other hand, we acknowledge the efforts that the Tribunal has been making to improve its efficiency. However, we believe that there are still areas where further improvements can be made, particularly with regard to procedures and methods of work, as well as in coordinating its activities with the office of the Prosecutor.

Furthermore, the Tribunal cannot be truly effective if it does not have the full and impartial cooperation of all States, in particular the countries of the Great Lakes region, or if it does not have the necessary financial and human resources. All of us must make greater efforts in this area.

My delegation cannot fail to take this opportunity to mention its concern about the execution by the Rwandan authorities of various individuals accused of committing acts of genocide. Costa Rica opposes the death penalty in all circumstances. The administration of justice must not violate the fundamental right to life of all human beings. For that reason we call upon those authorities to impose sentences that are in keeping with the highest standards of respect for human rights.

We are also compelled to express our deep concern about the large number of detainees in the prisons of that nation and the poor conditions under which they are being held. More must be done to ensure proper conditions for those prisoners. Above all, their legal rights must be strictly respected when they are tried.

I should like to take this opportunity to reaffirm that Costa Rica believes that the work of the criminal tribunals established by the Security Council must be restricted to exceptional situations in which the States with jurisdiction over the criminals are genuinely unable to bring them to justice or are prejudiced to such an extent that justice cannot be properly administered.

We believe that the establishment of such tribunals must respond to a real need and must in no way eliminate the primary responsibility of the States involved to administer justice. In this connection, we should recall that the International Tribunal for Rwanda cannot take the place of the local courts of that nation, which is why the international community must cooperate with them in their work to shed light on the atrocities committed in that nation and punish those responsible.

In this same context, we should like to reaffirm our country's steadfast commitment to a permanent independent, impartial and effective international criminal court's being established by the diplomatic conference that will take place in Rome in June and July this year. Only by establishing such a court will the international community definitively and genuinely reject and condemn the most serious crimes, which shock the conscience of the world. In contrast to that future court, the tribunals established by the Security Council are no more than a temporary and transitory palliative for emergencies when there is a real threat to international peace and security. Once that standing court is established, the Security Council will never again have to establish ad hoc tribunals.

In conclusion, allow me to thank the delegation of Sweden for its leadership in preparing the draft resolution before us.

Mr. Amorim (Brazil): The genocide in Rwanda is one of the most tragic events of the last decades. There is a prevailing feeling that the international community could have done better and that steps could have been taken to avoid the massacres. Given the difficulties faced by the Rwandan judiciary system, the International Tribunal has become an increasingly relevant tool for ensuring the fair trial of those involved in the genocide, thus contributing to peace and reconciliation in Rwanda.

The increase in the number of indicted persons justifies the addition of a third Trial Chamber. The decision the Council is about to take, which we support, takes into account the political factors involved and is a signal to the Rwandan people that the international community is ready to assume its share in the process of healing the wounds of the terrible events of 1994.

The clear commitment of the Tribunal to enhance its efficiency and improve its administrative practices was yet another key element that made consensus on this issue possible.

In view of the well-known positions of Brazil on human rights in general and on the death penalty in particular, let me state that it is our hope that an expanded and more efficient International Tribunal for

Rwanda may render executions such as the ones we have witnessed recently less likely in the future.

Mr. Shen Guofang (China) (*interpretation from Chinese*): Since its establishment, the International Tribunal for Rwanda has done quite a lot of work and has played a certain positive role for the stabilization of the situation in the Great Lakes region as well as that of Rwanda. China fully understands the request of the Rwandan Government and other concerned African countries that a third Trial Chamber be established so as to expedite the trial of the indicted. China hopes that this will help further stabilize the situation in the region and promote the national reconciliation process.

In view of the above, China will vote in favour of this draft resolution and hopes that the International Tribunal will take effective measures to enhance its efficiency. At the same time, I wish to reiterate that China's position with regard to the creation of international tribunals remains unchanged. I also want to point out that the reference to Chapter VII of the Charter in the draft resolution is only a technical reaffirmation of the content of resolution 955 (1994) and does not constitute any precedent.

Mr. Buallay (Bahrain) (*interpretation from Arabic*): The Security Council created the International Criminal Tribunal for Rwanda by resolution 955 (1994) of 8 November 1994. The fundamental aim of the Tribunal was to bring to justice those persons presumed responsible for the genocide and other serious violations of international humanitarian law committed in Rwanda in 1994.

The genocide perpetrated in that country is appalling. In our opinion, no one will forget the images that were transmitted by all the media, showing citizens roaming the countryside, having left their homes for fear of suffering the cruel fate of the rest of their families. We will not forget the spectacle of the corpses piled up after the various massacres.

The persons presumed responsible for these criminal acts must be tried as an example to others. There is overwhelming proof of who the real perpetrators of these calculated and systematic acts are. These acts represent a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

Concerned not to let the perpetrators of these crimes evade justice, the Security Council decided to establish the International Criminal Tribunal for Rwanda under Chapter VII of the Charter of the United Nations. The competence of the Tribunal and its temporal and geographic limits were defined: it is competent to try persons responsible for serious violations of international humanitarian law perpetrated on the territory of Rwanda and Rwandan citizens responsible for such violations on the territories of neighbouring States. The competence of the Tribunal is thus extra-territorial, extending beyond Rwanda to neighbouring countries, because atrocious massacres were also committed in Rwandan refugee camps in these countries.

The International Criminal Tribunal must continue its work of trying the accused and fulfil its responsibility to bring these people to trial without delay. The citizens of Rwanda and the world are waiting for justice to be done and for the criminals to be punished.

This is why my delegation wishes to facilitate the judicial procedures and today supports the establishment of a third Trial Chamber so that the Tribunal can actively pursue its efforts to improve the effectiveness of its work, strengthen its working methods and procedures, and try the accused promptly. Therefore, Bahrain will vote in favour of the draft resolution that we have before us.

Mr. Dangue Réwaka (Gabon) (*interpretation from French*): The horror of the massacres perpetrated in 1994 in Rwanda by extremist groups aroused the consternation and the indignation of the international community.

Therefore, concerned to put an end to these extremely violent acts and to punish the perpetrators severely, the Security Council, by resolution 955 (1994), established the International Criminal Tribunal for Rwanda to prosecute those presumed responsible for acts of genocide or other grave violations of international humanitarian law committed on the territory of Rwanda, as well as those Rwandan citizens accused of such acts or violations committed on the territory of neighbouring States between 1 January and 31 December 1994.

In our opinion, the establishment of this institution should — by the exemplary nature of its judgements — not only alleviate the great sorrow of the families of the victims, but also contribute to mitigating the social tensions and serve as a deterrent to all those who might be tempted to commit such acts.

Given the limited capacities of the operating structures and the number of people who have been accused, the President of the Tribunal proposed, as was

foreseen in the provisions of resolution 955 (1994), that a third Trial Chamber of the International Tribunal for Rwanda be established.

This Third Chamber will make it possible for the accused to be prosecuted without delay, thereby meeting the legitimate expectations of the Rwandan population and of the international community. This draft resolution accomplishes this, and my delegation firmly supports it.

Mr. Teixeira da Silva (France) (*interpretation from French*): The Security Council, in resolution 955 (1994), entrusted the International Criminal Tribunal for Rwanda with the mission of prosecuting, trying and punishing the persons responsible for acts of genocide committed in 1994 in Rwanda. No one can underestimate the importance of this task, nor its difficulty. The judges of the Tribunal are discharging their work in a manner that deserves our particular tribute.

The President of the Tribunal requested in August 1997 an increase in the number of judges, to make it possible to establish a third Chamber and to complete the trials in a reasonable time-frame. France supported that request the moment it was presented to the Council. This increase in the number of judges, foreseen by the Council when it adopted resolution 955 (1994), was, in fact, made necessary by the growing number of cases before the Tribunal.

The French delegation is pleased that the members of the Council are unanimous in their positive response to the request of the Tribunal President. We will vote in favour of the draft resolution, of which we are a sponsor. We pay tribute to the Swedish delegation for its initiative in preparing the draft resolution.

The adoption of this draft resolution will attest to the Council's determination to endow the Tribunal with the means necessary for it to continue its work for justice. Furthermore, we have every confidence that the Tribunal will pursue the efforts it has already made to improve its functioning and procedures.

The French delegation hopes that the Security Council can also respond positively to the similar request made by the President of the International Criminal Tribunal for the Former Yugoslavia for an increase in the number of that Tribunal's judges.

Mr. Karev (Russian Federation) (*interpretation from Russian*): The International Criminal Tribunal for Rwanda is an important element of the general process of achieving national reconciliation in that country. In support of efforts to enhance its effectiveness, we welcome the request of the President of the Tribunal to create a third Trial Chamber in order to accelerate the trial process.

We also believe that, if the Tribunal is to function effectively, further measures will have to be taken to improve its procedures and methods of work and to rectify the situation with regard to the lack of administrative and technical personnel and the construction of additional facilities for the Tribunal. Such a comprehensive approach will help to overcome those obstacles that continue to prevent the Tribunal from promptly and fully fulfilling the tasks that have been entrusted to it.

In supporting the draft resolution, we believe that the reference made in it to Chapter VII of the Charter of the United Nations is a purely technical one and will not set a precedent for the Security Council's consideration of similar situations.

Mr. Touray (Gambia): The events in Rwanda in 1994 represented one of the most heinous offences against international humanitarian law. The international community responded very fittingly by establishing in the same year the International Tribunal for Rwanda to prosecute the persons responsible for those crimes. The establishment of this Tribunal was and is still a very necessary measure for the process of national reconciliation and the restoration of peace in Rwanda.

In paragraph 7 of resolution 955 (1994) of November 1994 establishing the Tribunal, the Council expressly reserved the possibility of increasing the number of Trial Chambers should this become necessary.

The International Tribunal for Rwanda has been functioning very smoothly since its inception. We now understand that 20 people are presently detained in the Detention Facility in Arusha, 14 of whom are already indicted and awaiting trial. In a letter from the President of the Tribunal dated 1 August 1997, contained in document S/1997/812 addressed to the Secretary-General, the President of the Tribunal, Judge Kama, indicated that, with the Tribunal's present capacity, it would take at least 88 months to try the incarcerated suspects. Under the present arrangement, this would mean that some of the incarcerated persons would wait longer than duly necessary for their trials. This would be a violation of the

fundamental right of the accused to be tried without undue delay.

The Government of the Gambia values the fundamental rights of the person, particularly the rights of the accused. We believe in the old adage and time-honoured maxim that justice delayed is justice denied. The earlier the accused are tried, the better. We believe that the Rwandan people have no lesser expectations. In their journey towards national reconciliation, it is imperative that these trials be concluded with reasonable dispatch so that the people of Rwanda can put their grief behind them as they move forward.

We believe that it is now necessary to increase the number of judges and to constitute a third Trial Chamber. In this way, the accused can be tried without delay and the expectations of the Rwandan people will not be disappointed. There is some economic wisdom in this move, as it would eventually result in financial saving.

My delegation would, for these reasons, support the establishment of a third Trial Chamber in Rwanda, as provided for in the draft resolution. Under the draft resolution, the election of the judges for the third Trial Chamber would be conducted together with the election of the judges for the existing two Chambers. While the mandate of the newly elected judges for the third Trial Chamber would commence soon after their election, the mandate of the judges elected for the existing Chambers would commence on the expiry of the mandate of the present holders of those offices.

This arrangement would ensure that we have only one election and also an early establishment of the third Trial Chamber. We believe that this is a very convenient and reasonable arrangement.

As the present draft resolution is to ensure no delay in the trial of the accused persons, we believe that an improvement in the working methods of the Tribunal would be helpful. We therefore urge the members of the Tribunal to reconsider their working methods with a view to enhancing them.

We believe that this draft resolution and the letter are very timely. The Gambia is pleased to be a sponsor of the draft resolution and will vote in its favour.

Ms. Soderberg (United States of America): The Security Council and the international community have followed closely the progress of the International Criminal Tribunal for Rwanda since its inception in 1994 after the horror of genocide in that country. The challenges of bringing the perpetrators of genocide to justice, addressing the issues of impunity and contributing to reconciliation in Rwanda still loom large.

The International Tribunal for Rwanda must carry out its mission more effectively, more efficiently and more productively. The trials must be completed and judgments rendered in a timely manner. The United Nations Office of Internal Oversight Services has made extensive recommendations for reforms of the administration of the Tribunal, the practices of the Registry and the judges' Chambers. Some have been implemented. We remain deeply concerned that, despite those efforts at reform, serious problems remain. The Tribunal must continue to implement reform measures to improve its operations.

Today's draft resolution expands the International Tribunal by adding another Trial Chamber with three judges, who will be elected immediately. This expansion should enable the Tribunal to render prompt justice. Enlarging the Tribunal should not replace ongoing reform efforts, but be carried out at the same time to enable the Tribunal to perform its important work more effectively.

The effort to bring to justice those responsible for crimes against humanity is equally urgent in two other cases, those of the former Yugoslavia and Cambodia. The United States is therefore working to expand in a similar way the International Criminal Tribunal for the Former Yugoslavia and to establish a tribunal to bring to justice those who were senior Cambodian Khmer Rouge leaders during the period 1975 to 1979.

The draft resolution that we are abou' to consider is a reaffirmation of the international community's commitment to providing fair trials and just punishment to those who perpetrated genocidal crimes in Rwanda. The United States remains committed to holding those responsible for crimes against humanity accountable for their actions.

The President: I shall now make a statement in my capacity as representative of Japan.

The international community has been drawing many lessons from the human tragedies that took place in Rwanda in 1994. One of those lessons was that, in order to achieve national reconciliation, it was essential to deal with the root causes of the problem by addressing the

issue of social justice through the pursuit of socio-economic development, on the one hand, and through the establishment of the primacy of justice based on the principle of the rule of law, on the other. I believe that, for this very reason, the International Tribunal for Rwanda was established by the Security Council.

With this recognition clearly in mind, the Security Council decided four years ago to establish the International Tribunal for Rwanda. The Council's primary goal in doing so was to put an end to the acts of genocide and other violations of international humanitarian law that had been committed in Rwanda and to take effective measures to bring to justice the persons responsible for them. Thus, the establishment of the International Tribunal was meant to contribute to the restoration of peace in Rwanda and to the process of national reconciliation in that country.

My delegation believes that the motives and goals which underlay the Council's action in 1994 remain unchanged to this day. Concerned by reports that standard judicial procedures have not necessarily been observed in Rwanda, we in the Council today feel more strongly than ever that the Tribunal must provide a model mechanism for bringing criminals to justice.

The International Tribunal for Rwanda was created to function primarily as a judicial mechanism. However, in the opinion of my delegation, the significance of the Tribunal goes beyond its being just a judicial mechanism. Through its examples, the Tribunal can show how a judicial system should function under the rule of law, assuring due process even to those accused of committing the most heinous of crimes. Through its own practice, the Tribunal can demonstrate to the Rwandan people that emotional acts of revenge and retribution will only feed further destructive enmities. Peace can persevere only if it is accompanied by justice, based on the rule of law and the respect for the human rights of all.

Recognizing these significant roles and functions expected of the International Tribunal for Rwanda, Japan is going to vote in favour of the draft resolution before us. My delegation hopes that the adoption of this draft resolution will help the Tribunal fulfil those tasks by enhancing the capacity of the Tribunal.

We must frankly admit that during the three and a half years of its existence the Tribunal has not always been successful in performing the functions expected of it in an exemplary manner. There are problems of an administrative and managerial nature that have been adversely affecting its effective functioning. While I understand that there are many difficulties in the environment in which the Tribunal has had to operate, and while I also note that some serious efforts are being made in order to overcome its inefficiencies, I am of the view that the Tribunal itself must make further sincere efforts to remedy the present situation. Simply creating the third Trial Chamber will not be enough to cure the Tribunal of its present deficiencies and to restore its full potential. It is with this consideration in mind that Japan strongly feels that the letter from the President of the Security Council to the President of the Tribunal pointing to the need to facilitate the efficient functioning of the Tribunal should be part and parcel of the decision of the Security Council to authorize the expansion of the Tribunal.

In conclusion, I should like to express the ardent hope of my delegation that with the addition of a third Trial Chamber the International Tribunal for Rwanda will be able to function more effectively in such a way that the expectations of the international community will be met to the full.

I now resume my functions as President of the Security Council.

I shall now put to the vote the draft resolution contained in document S/1998/353.

A vote was taken by show of hands.

In favour:

Bahrain, Brazil, China, Costa Rica, France, Gabon, Gambia, Japan, Kenya, Portugal, Russian Federation, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1165 (1998).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.35 p.m.